

Obendorf Hop, Inc. is an Idaho corporation (“OBH”) that farms approximately 1,650 acres of hops in southwest Idaho. The persons who complained of injury on May 26, 2019 were working in an OBH hop field. They were not, however, employees of OBH. Rather, OBH contracted with a farm labor contractor who employed the individuals working in the OBH field.

OBH uses farm labor contractors to provide intermittent seasonal labor on the OBH farm. OBH’s agreement with labor contractors requires contractors, as the employer, to comply with all local, federal and state rules and regulations related to safety. In addition, OBH requires all contract labor providers to designate a competent safety representative to manage and implement safety measures for labor contractor employees working at OBH locations. Notably, Idaho law specifically requires farm labor contractors to, i) comply with all terms and provision of its contracts; and ii) comply with all applicable state laws and rules. *See* Idaho Code § 44-1607(4)(5). Accordingly, even though the persons working on May 26, 2019 were not OBH employees, OBH had contracted for safety services to be provided on site, including decontamination facilities.

The onion field sprayed on May 26, 2019 is operated Brock & Phillip Obendorf Farms, LLC (“BPO”). The product sprayed on the BPO onion field (on May 26, 2019) was applied by a contracted aerial applicator.

BPO is engaged in farming and has a row crop operation as well as growing hops. Although Brock Obendorf is the Vice President of OBH, that farm is operated independently of BPO, which business is managed by Phillip Obendorf. Thus, while the names can create confusion, the businesses are separate entities with separate ownership and management. OBH has no interest in BPO and BPO has no interest in OBH.

The applicator was not contracted by OBH and the product was not applied to an OBH field. It is of great concern to OBH that people working in its field reported illness, however, OBH did not fail to comply with any applicable safety rules or regulations nor has it been cited by any regulatory agency for non-compliance. In fact, the Idaho State Department of Agriculture who investigated the matter, and also conducted a subsequent “on-site worker protection standard inspection” did not cite OBH or BPO for any violations or deficiencies in safety protocol. To the contrary, all indications are that OBH has the personnel, equipment and practices in place to comply with safety regulations and ensure the protection of all persons working at or near its farm. Further, although we understand there is a concern regarding whether the labor contractor had made decontamination supplies available, OBH’s facilities (one of which is directly adjacent to the field in question) are and were equipped with the required safety equipment.

OBH respects and values the people who perform work on its farm and appreciates the contribution of all workers. OBH regrets any event where people are injured or become sick, and both OBH and BPO are dedicated to ensuring safe working conditions for all persons, employees or not. Although neither BPO nor OBH violated any safety protocol, they have used the May 26 event to improve communications among their management teams. In addition, it is important to note that both entities make a significant investment in safety and employ consultants who work closely with their operations to provide internal safety audits and training. These efforts are directly in line with OBH’s and BPO’s belief that all persons are entitled to work in a safe and healthy environment.